IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL.
Contempt Petition No. 17 of 2003

Ramesh Yadav S/o Sri Ram Bachan
Working as Eye Assistant (optomertist)
Posted at Har Govind Pant
District Hospital
District Almora … Petitioner

Versus

Dr. I.S. Pal, Director General
Medical Health and Family Welfare
Chander Nagar
Dehradun
Uttaranchal … Opposite party

Hon'ble M.M. Ghildiyal, J.

This contempt petition has been filed by the petitioner to punish the opposite party for showing willfully disrespect towards the order of Hon'ble High Court dated 08.10.2002.

Heard Sri C.D. Bahuguna learned counsel for the petitioner and Standing Counsel for the respondent.

The petitioner was initially appointed by the erstwhile State of Uttar Pradesh as Eye Assistant in the Health Department vide order dated 26.09.1998. The petitioner raised objection before the Director, Medical and Health & Family Welfare that since he was not appointed against the vacancies of Hills Sub-Cadre, he should not have been given posting in the hills of Uttar Pradesh. The contention of the petitioner is that on 16.04.2000, Joint Director, State of Uttar Pradesh wrote a letter to the Director of Medical and Health, Uttar Pradesh, Lucknow to transfer the petitioner from Almora to Basti region. This order could not have been given effect. The petitioner, after creation of Uttaranchal, made a representation to the authorities concerned that in view of order dated 06.04.2000, he may be relieved for State of Uttar Pradesh, but his prayer was not accepted by the Medical Department of the State of Uttaranchal and consequently he filed a

writ petition no. 1388 of 2002. This court while disposing the writ petition passed an order on 08.10.2002 that the Government of Uttaranchal may reconsider for relieving the petitioner for the State of Uttar Pradesh in the light of the order dated 06.04.2000 contained in Annexure 8 to the writ petition within a period of fifteen days.

This contempt petition has been filed by the petitioner. The petitioner has submitted in the contempt petition that even after order passed by this court on 08.10.2002, the opposite party has not passed any order in compliance of the order of this court.

Counter affidavit has been field by the respondent. In the counter affidavit the respondent has annexed order dated 15.04.2003 passed by the Director General, Medical and Health, Uttaranchal rejecting the prayer of the petitioner on merit.

Since there was an order of this court for reconsideration by the respondent and the respondent hae reconsidered the matter. The contempt petition is not maintainable, in view of the judgment of the Hon'ble Supreme Court in the case of **Lalith mathur Vs. L. Maheshwara Rao reported in (2000) 10 Supreme Court Cases 285.**

If the petitioner is not satisfied with the order passed by the opposite party, he is free to challenge the same.

In view of the aforesaid observations, the contempt petition is dismissed being not maintainable.

(M.M. Ghildiyal, J.)

03.03.2004
ASWAL